

Application No. 09/582,049

#18

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In Re Patent Application	:	Group Art Unit: 1754	OCT 28 2005
Garnier, et al.	:		
Serial Number: 09/582,049	:	Examiner: Nguyen, Ngoc Yen M.	
	:		
Filed: September 1, 2000	:	Attn. Docket No.: Garnier-1	
	:		
Title: Silicon Refining Method and Installation	:	Date: October 28, 2005	
	:		
	:		

Mail Stop Petition
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(b)

Sir:

This paper requests reconsideration of the decision dated June 28, 2005, dismissing the petition under 37 CFR 1.137(b), filed on May 23, 2005, to revive the above-captioned application. A petition for a two (2) extension of time to extend the due date for requesting reconsideration of the decision to October 28, 2005, is included herewith.

The decision states that the petition under 37 CFR 1.137(b), filed on May 23, 2005, to revive the above-captioned application (the petition to revive) was dismissed because it lacked the requisite reply under 37 CFR 1.113, e.g., a request for continued examination (RCE), an amendment that *prima facie* placed the application in condition for allowance, or a Notice of Appeal.

In order to correct this deficiency, submitted herewith is an RCE and an amendment and response to the Office Action dated September 10, 2002. These papers meet the reply requirement under 37 CFR 1.113. Also submitted herewith is a copy of the petition to revive filed on May 23, 2005.

In view of the foregoing, reconsideration of the decision dated June 28, 2005, dismissing the petition under 37 CFR 1.137(b), filed on May 23, 2005, to revive the above-captioned application, is respectfully requested.


PTM128988.1

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Application No. 09/582,049

The Commissioner is hereby authorized to charge payment of any filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



PAUL A. SCHWARZ
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**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**
**Docket No.
Garner-1**
In Re Application Of: Garner

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/382,049	9/18/2000	Ngoc Yen M. Nguyen	28581	1754	6845

Invention: SILICON REFINING METHOD AND INSTALLATION

Attention: Office of Petitions
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COMMISSIONER FOR PATENTS
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Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)				OCT 18 2005 Docket No. Garnier-1	
In Re Application Of: Garnier					
Application No. 09/582,049	Filing Date 9/18/2000	Examiner Ngoc Yen M. Nguyen	Customer No. 28581	Group Art Unit 1754	Confirmation No. 6845
Invention: SILICON REFINING METHOD AND INSTALLATION					
Calculation and Payment of Fees					
Enclosed are the following fees:					
6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:				<u>\$1,500.00</u>	
7. <input type="checkbox"/> Fee for amendment in the amount of:				<u> </u>	
8. <input checked="" type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of:				<u>\$1,020.00</u>	
9. <input type="checkbox"/> Issue fee in the amount of:				<u> </u>	
10. <input type="checkbox"/> Continuing application filing fee in the amount of:				<u> </u>	
11. <input type="checkbox"/> Terminal disclaimer fee in the amount of:				<u> </u>	
12. <input type="checkbox"/> _____				<u> </u>	
				Total fees enclosed: <u>\$2,520.00</u>	
The fee of \$2,520 is to be paid as follows:					
<input type="checkbox"/> A check in the amount of the fee is enclosed.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-2061					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					

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**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)****Docket No.
Garnier-1**In Re Application Of: **Garnier**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/582,049	9/18/2000	Ngoc Yen M. Nguyen	28581	1754	6845

Invention: **SILICON REFINING METHOD AND INSTALLATION****Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


Signature

Dated: 5/20/2005

Paul A. Schwarz
Reg. No. 37,577
Duane Morris LLP
P.O. Box 5203
Princeton, NJ 08543-5203
609-631-2446

cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.6(a)] on

5/20/2005



Signature of Person Mailing Correspondence

Susan Barlett

Typed or Printed Name of Person Mailing Correspondence

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